

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/27/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
ARLYN PEREZ,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	24-CV-1027 (VEC)
	:	
MAYBACH INTERNATIONAL GROUP, LLC,	:	<u>ORDER</u>
ADLEY BRUTUS	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 12, 2024, Defendants filed a Notice of Removal from New York Supreme Court, Dkt. 1;

WHEREAS Defendants allege that this Court's subject matter jurisdiction is premised on diversity, *id.*;

WHEREAS "a limited liability company has the citizenship of its members," *see Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App'x 296, 298 (2d Cir. 2021);

WHEREAS a party seeking to remove a state court action premised upon diversity of citizenship must, if the facts do not appear in the Complaint, adequately establish that complete diversity of the parties exists;

WHEREAS an LLC takes on the citizenship of natural persons who are members of an LLC and the citizenship of the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs), *see Mackason v. Diamond Fin. LLC*, 347 F. Supp. 2d 53 (S.D.N.Y. 2004); *Mitchell v. City Express Limousine, LLC*, No. 17-cv-4490, 2017 WL 2876313 (S.D.N.Y. July 6, 2017);

WHEREAS the Complaint alleges that Defendant Maybach International Group, LLC is a limited liability company that is incorporated under the laws of the State of Illinois, *see* Compl. ¶ 3;

WHEREAS the Complaint makes no allegations as to the citizenship of the members of Defendant Maybach International Group, LLC;

WHEREAS Defendants, as the parties invoking this Court's jurisdiction, were ordered on February 14, 2024, Dkt. 6, to file an affidavit not later than February 21, 2024 to establish that this Court has subject matter jurisdiction because complete diversity exists;

WHEREAS Defendants filed a letter that did not sufficiently establish that the Court has diversity jurisdiction over the case because it failed to adequately allege the citizenship of the members of Maybach International Group, LLC, *see* Dkts. 6–8;


WHEREAS Defendants were given a second opportunity to submit an affidavit, not later than February 23, 2024, demonstrating that this Court has subject matter jurisdiction, Dkt. 8;

WHEREAS Defendants have not demonstrated that there is complete diversity of the parties because they have filed nothing to establish the citizenship of the members of Defendant Maybach International Group, LLC;

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to remand this case to the Supreme Court of New York, County of Bronx.

SO ORDERED.

Date: February 27, 2024
New York, New York



VALERIE CAPRONI
United States District Judge